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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/824,874

04/15/2004

James D. Ballew

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09/04/2009

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EXAMINER

GEIB, BENJAMIN P

ART UNIT

PAPER NUMBER

2181

NOTIFICATION DATE

DELIVERY MODE

09/04/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOmail3@bakerbotts.com

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<b>Office Action Summary</b>	<b>Application No.</b> 10/824,874	<b>Applicant(s)</b> BALLEW ET AL.	
	<b>Examiner</b> BENJAMIN P. GEIB	<b>Art Unit</b> 2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 2-33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/01/2008, 02/09/2009, 03/19/2009, 03/31/2009,</u>           | 6) <input type="checkbox"/> Other: _____                          |
| <u>05/05/2009, 07/14/2009</u>  |   |



## DETAILED ACTION

### *Allowable Subject Matter*

1. The prior art, including the disclosures of Karpoff (U.S. Patent Application Publication No. 2001/0049740), Pechanek et al. (U.S. Patent No. 6,167,502), Osten et al. (U.S. Patent No. 6,735,660), Winkler et al. (U.S. Patent Application Publication No. 2004/0024949), and Kunjan et al. (U.S. Patent Application Publication No. 2003/0188071), has not taught or render obvious “the first processors operable to communicate with particular third processors on a particular third motherboard via the first switch, a particular second switch on a particular second motherboard between the first motherboard and the particular third motherboard, and the third switch on the particular third motherboard without communicating via either second processor on the particular second motherboard” as recited in independent claim 28 and similar limitations in independent claims 9 and 21 (in combination with all other limitations of the respective independent claim).
2. Claims 10-20, 31, and 33 depend from claim 9 and are considered allowable for at least the reasons given above with respect to claim 9.
3. Claims 22-27 and 32 depend from claim 21 and are considered allowable for at least the reasons given above with respect to claim 21.
4. Claims 2-8, 29, and 30 depend from claim 28 and are considered allowable for at least the reasons given above with respect to claim 28.

### *Claim Objections*

5. This application is in condition for allowance except for the following formal matters:
  - a. Regarding claims 8, 9, 14, 20, 21, 26 and 28, these claims recited that various components of the claims are “operable to” do a particular function. This language does not clearly indicate whether the recited components actually perform the specified function. It is asked that the applicants amend these instances to clearly indicate that the recited components

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are performing the specified function. The examiner suggests changing the language "operable to" to "configured to."

### ***Conclusion***

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BENJAMIN P. GEIB whose telephone number is (571)272-8628. The examiner can normally be reached on Mon-Fri 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alford Kindred can be reached on (571) 272-4037. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alford W. Kindred/  
Supervisory Patent Examiner, Art Unit 2181

Benjamin P Geib  
Examiner  
Art Unit 2181

/Benjamin P Geib/  
Examiner, Art Unit 2181